

Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C. 20554

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JUN 19 1997

Federal Communications Commission
 Office of Secretary

In the Matter of)	
)	
Amendment of Section 2.106 of the)	ET Docket No. 95-18
Commission's Rules to Allocate)	RM-7927
Spectrum at 2 GHz for Use by the)	PP-28
Mobile-Satellite Service)	

**OPPOSITION OF THE MSS COALITION
 TO PETITION FOR RECONSIDERATION**

Celsat America, Inc. ("Celsat"), COMSAT Corporation ("COMSAT"), Hughes Space and Communications International ("Hughes"), ICO Global Communications ("ICO"), and Personal Communications Satellite Corporation ("PCSAT")¹ (collectively, the "MSS Coalition"), by their attorneys submit this opposition to the petition for reconsideration ("Petition") filed by Southwestern Bell Mobile Systems, Inc. and Southwestern Bell Wireless Inc. (collectively, "Southwestern Bell") in response to the Federal Communications Commission's ("FCC" or "Commission") March 14, 1997 order ("Order" or "2 GHz Order")² in the above-referenced proceeding.

¹ PCSAT is a wholly owned subsidiary of American Mobile Satellite Corporation.

² *Amendment of Section 2.106 of the Commission's Rules to Allocate Spectrum at 2 GHz for Use by the Mobile-Satellite Service*, FCC 97-93 (rel. Mar. 14, 1997) ("Order").

INTRODUCTION

In its 2 GHz Order, the Commission allocated 70 MHz of spectrum at 2 GHz to Mobile Satellite Service ("MSS"). The Commission properly recognized in its Order that MSS not only provides the opportunity for new competitive mobile communications services, it also promises communications services to rural and remote underserved areas that are less likely to be served by other mobile communications services such as cellular service.

In its Petition, Southwestern Bell urges the Commission to reconsider its decision to allocate 70 MHz of spectrum to MSS. Although the MSS Coalition has sought reconsideration of several aspects of the Commission's Order,³ it fully supports the Commission's decision with respect to the amount of spectrum allocated to MSS.⁴

The decision to allocate 70 MHz of spectrum to MSS is fully consistent with the Commission's goal of encouraging the development of competitive MSS systems. The 40 MHz that Southwestern Bell instead would have the Commission allocate to MSS likely is not sufficient spectrum to accommodate the projected spectrum demands for MSS. In addition, the Commission's allocation to MSS is consistent with the 1995

³ One of the aspects of the Commission's Order on which the MSS Coalition has sought reconsideration is the Commission's decision to accord BAS operators supplemental spectrum at 2110-2130 MHz. *See* Petition for Partial Reconsideration of the MSS Coalition, filed May 20, 1997, at 3-23. It is that decision that results in the need for Southwestern Bell to relocate out of the 2160-2180 MHz band.

⁴ The allocation of spectrum to MSS is a critical step in bringing the benefits of MSS to U.S. consumers and the MSS Coalition commends the Commission for taking that action. The MSS Coalition urges that once the Commission has received the required Office of Management and Budget approval, it act quickly to take the next critical step -- opening a processing round for 2 GHz MSS applicants.

World Radiocommunication Conference (“WRC-95”) allocations to MSS and thereby helps to ensure universal MSS service.

For these reasons, the MSS Coalition urges the Commission to retain its allocation of 70 MHz for MSS and deny Southwestern Bell’s Petition.

I. THE COMMISSION CORRECTLY CONCLUDES, BASED ON THE RECORD, THAT 70 MHZ IS REQUIRED TO SATISFY THE PROJECTED SPECTRUM DEMANDS OF MSS

Southwestern Bell criticizes the Commission’s decision to allocate 70 MHz of spectrum to MSS because that decision was based on the “projected needs” of MSS.⁵ Southwestern Bell asserts that these projected needs “may not crystallize.”⁶ The Commission, however, reasonably concludes otherwise.

The record contains ample evidence that there likely will be significant demand for spectrum for MSS uses. The Commission notes that the International Telecommunication Union (“ITU”) estimates “that up to 206 megahertz of additional spectrum will be needed for MSS by the year 2005.”⁷ The Commission further notes that, with respect to the United States, “[t]here is clearly substantial interest in providing MSS communications in the 2 GHz band, as demonstrated by the ten commenters who

⁵ Petition at 4.

⁶ *Id.*

⁷ Order at ¶ 13. Moreover, studies conducted for the 1997 World Radiocommunication Conference (“WRC-97”) estimate MSS demand to be 500 MHz by the year 2010. Conference Preparatory Meeting, *CPM Report on technical, operational and regulatory/procedural matters to be considered by the 1997 World Radiocommunication Conference*, Geneva, 1997 at § 4.2.6.

indicated they plan to provide mobile satellite service in the 2 GHz band.”⁸ In order to accommodate these potential MSS operators, the Commission has decided to allocate 70 MHz of spectrum to MSS. This amount of spectrum, explains the Commission, will “provide sufficient bandwidth for the operation of multiple service providers.”⁹

To be sure, the Commission will not know exactly how many entities ultimately will seek to provide MSS service in the 2 GHz band until a processing round is opened for 2 GHz MSS applicants. But given the record evidence that at least eleven entities intend to provide MSS service in this band, the Commission’s decision to allocate an amount of spectrum that it believes will accommodate multiple operators is entirely reasonable. Such action is consistent with the Commission’s goal of encouraging the development of MSS in the United States. The Commission should therefore reject Southwestern Bell’s Petition.

II. THE COMMISSION’S ALLOCATION OF 70 MHZ TO MSS IS CONSISTENT WITH THE WRC-95 ALLOCATIONS TO MSS

In its notice of proposed rulemaking in this proceeding, the Commission expresses its belief that the U.S. MSS allocation should be as consistent as possible with the most recent World Radiocommunication Conference MSS allocations.¹⁰ Such

⁸ Order at ¶ 13. The Commission did not include ICO in this group despite ICO’s previous participation in this proceeding. There are, therefore, eleven entities that plan to offer MSS service in the 2 GHz band.

⁹ *Id.* at ¶ 14.

¹⁰ *Amendment of Section 2.106 of the Commission’s Rules to Allocate Spectrum at 2 GHz for Use by the Mobile-Satellite Service*, 10 FCC Rcd 3230 (1995) at ¶ 8.

consistency serves the public interest because, as the Commission notes, it helps to ensure truly universal MSS service.¹¹ The Commission's decision to allocate 70 MHz of spectrum to MSS at 1990-2025 MHz and 2165-2200 MHz is consistent with the WRC-95 allocations to MSS.

The 1992 World Administrative Radio Conference ("WARC-92") allocated 1980-2010 MHz for the MSS uplink and 2170-2200 MHz for the MSS downlink on a worldwide basis. WARC-92 also allocated 1970-1980 MHz for the MSS uplink and 2160-2170 MHz for the MSS downlink in Region 2. WRC-95 revised the Region 2 MSS uplink allocation to 2010-2025 MHz to create an MSS band for the region consisting of 1980-2025/2160-2200 MHz. The United States has proposed that the Regions 1 and 3 allocations to MSS be harmonized with the Region 2 allocation at WRC-97.¹² By allocating 1990-2025 MHz for the uplink and 2165-2200 MHz for the downlink in its Order, the Commission properly made the U.S. MSS allocation consistent with the WRC-95 allocations to MSS.

As noted above, consistency among the U.S. and World Radiocommunication Conference allocations serves the public interest by ensuring universal MSS service. Southwestern Bell has failed to show how the public interest will be better served by sacrificing such universal MSS service by allocating in the United States significantly

¹¹ *See id.*

¹² *FCC WRC-97 Advisory Committee and NTIA Approve Draft Preliminary Proposals for WRC-97*, Public Notice, Sept. 24, 1996 at § 6.1.1.1. Even if the United States ultimately is unsuccessful in this harmonization effort, there still exists a demonstrated demand for 70 MHz of spectrum for global, domestic and regional MSS systems.

less spectrum to MSS than was allocated by WRC-95. As such, the Commission should deny Southwestern Bell's Petition.

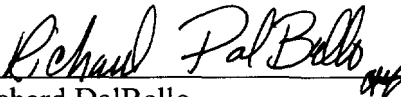
CONCLUSION

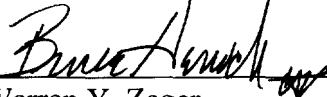
For the foregoing reasons, the Commission should deny Southwestern Bell's Petition. We also urge the Commission to grant the MSS Coalition's Petition for Reconsideration. By doing so, the Commission would promote more efficient use of the spectrum by BAS operators and the sharing of spectrum by MSS and FS operators. These actions would, in turn, allow FS licensees such as Southwestern Bell to avoid immediate displacement from the MSS downlink band.

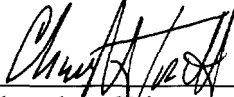
Respectfully submitted,

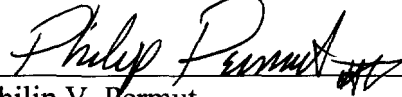
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CERTIFICATE OF SERVICE

I, Kimberly E. Thomas, do hereby certify that the foregoing **OPPOSITION OF THE MSS COALITION TO PETITION FOR RECONSIDERATION** was hand delivered on this 19th day of June, to the following:

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